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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

ORDER

-vs-

CR-02-606-6(FB)

Richard G. Gotti,
Defendant.

On August 10, 2005 the Court of Appeals issued a summary order remanding this case for further proceedings in conformity with *United States v. Booker*, 125 S. Ct. 738 (2005), and *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005) and on September 12, 2005 the Court issued an order directing counsel to notify the Court in 10 days as to whether the defendant wishes to be re-sentence.

On December 15, 2005 defense counsel filed a letter informing the Court that the defendant does not wish to be re-sentenced. Accordingly it is

HEREBY ORDERED that the sentence imposed on July 19, 2004 shall stand.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: Brooklyn, N.Y.
December 19, 2005

cc.: AUSA Katya Jestin,
Harry Batchelder, Esq.